

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA : 1:12CR108-1
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BRIAN ROBERT BEANE : FACTUAL BASIS

NOW COMES the United States of America, by and through
Ripley Rand, United States Attorney for the Middle District of
North Carolina, and as a factual basis under Rule 11, Fed. R.
Crim. P., states the following:

In mid-November 2011, Alamance County Sheriff's Office
detectives using an undercover Facebook account came in contact
with BRIAN ROBERT BEANE on Facebook, an internet-based social
networking site headquartered in California. The internet is a
facility and means of interstate commerce. The detectives used
the persona of "Jessica Yates," a fourteen-year-old female. An
actual minor is not necessary for a prosecution pursuant to 18
U.S.C. §§ 2422(b) or 2423(b). *See, e.g., United States v. Kelly*,
510 F.3d 433 (4th Cir. 2007), *cert. denied*, 128 S.Ct. 1917
(2008); *United States v. Valle*, 332, 2010 WL 1734971 (4th Cir.
April 30, 2010)(unpublished). Chat messages show BEANE asked
"Yates" her age, and correctly told "Yates" he was then 30 years
old. There were multiple subsequent references to the ages of
both BEANE and "Yates" in their Facebook chats. The

conversations continued frequently until December 15, 2011, when they discussed meeting up to engage in sexual activity. In doing so, BEANE did attempt to knowingly persuade, induce, and entice an individual whom he believed was 14 years old, to engage in sexual activity for which a person can be criminally charged under North Carolina state law, that is, indecent liberties with a child (N.C.G.S. § 14-202.1) and statutory sexual offense of person who is 13, 14, or 15 years old (N.C.G.S. § 14-27.7A(a)). They arranged to meet at Beth Schmidt Park in Elon, where detectives were waiting. BEANE was arrested after arriving at the park and taken to the Alamance County Sheriff's Department. In a videotaped, *Mirandized* interview, BEANE admitted knowing the age of the girl he intended to meet for sexual activity as being 14.

This the 22nd day of May, 2012.

Respectfully submitted,

RIPLEY RAND
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2012, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Gregory Davis, Assistant Federal Public Defender

Respectfully submitted,

RIPLEY RAND
UNITED STATES ATTORNEY

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